

JOHN H. HEMANN, State Bar No. 165823
JENNIFER L. RODEN, State Bar No. 253041
MORGAN, LEWIS & BOCKIUS LLP
One Market, Spear Street Tower
San Francisco, CA 94105-1126
Tel: 415.442.1000
Fax: 415.442.1001
jhemann@morganlewis.com
jroden@morganlewis.com

Attorneys for Defendant
Andre Matthews

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANDRE MATTHEWS,

Defendant.

Case No. CR 07-0488 CW

**JOINT STIPULATION & [PROPOSED]
ORDER TO CONTINUE SENTENCING
DATE**

WHEREAS, the defendant, as part of his plea agreement, agreed to provide assistance to the government in this matter in exchange for a possible motion for a downward departure pursuant to U.S.S.G. § 5K1.1.

WHEREAS, the defendant has been cooperating with the United States Attorney's Office in the Northern District of California and his cooperation is ongoing.

WHEREAS, this matter is currently scheduled for sentencing on July 23, 2008 at 2:00 p.m., however, because the defendant's cooperation is ongoing, the parties hereby stipulate and jointly request that the sentencing hearing be continued until September 3, 2008 at 2:00 p.m.

WHEREAS, counsel for Andre Matthews has conferred with the Court's clerk regarding the proposed hearing date set forth in the preceding paragraph and has been advised that this date is available on the Court's calendar.

1 WHEREAS, the Probation Office has been advised of the Parties agreement to continue
2 the sentencing and will submit the Presentence Report fourteen days prior to the new sentencing
3 date.

4 ACCORDINGLY, the Parties agree to postpone the defendant's sentencing hearing to
5 September 3, 2008 at 2:00 p.m.

6 IT IS SO STIPULATED.

7
8 Dated: June 30, 2008

U.S. ATTORNEY'S OFFICE

9
10 By /s/ Keslie Stewart
11 KESLIE STEWART
12 Attorneys for Plaintiff
UNITED STATES OF AMERICA

13 Dated: June 30, 2008

MORGAN, LEWIS & BOCKIUS LLP

14
15 By /s/ Jennifer L. Roden
16 JENNIFER L. RODEN
17 Attorneys for Defendant
Andre Matthews

18 PURSUANT TO THIS STIPULATION, IT IS
19 SO ORDERED.

20 Dated: _____

21 JUDGE CLAUDIA WILKEN

Attestation Pursuant To General Order 45

I, Jennifer L. Roden, attest that concurrence in the filing of this document has been obtained from the other signatory. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 30th day of June, 2008 at San Francisco, California.

/s/ Jennifer L. Roden